

CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: August 14, 2008 Name: John R. Lagowski, Reg. No. 41,922 Signature: /John R. Lagowski/

BRINKS
HOFFER
GILSON
& LIONE

Atty. Docket No.: MP0983 (13036-24)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

J. BLEDSOE ET AL.

Serial No.: 10/821,821

Filed: APRIL 8, 2004

For: TWO-DIMENSIONAL CMOS SENSOR
ARRAY TO IMAGE DOCUMENTS AND
OTHER FLAT OBJECTS

Confirmation no. 1393

Group Art Unit: 2625

Examiner: RODRIGUEZ,
LENNIN R.

REQUEST FOR REFUND

Mail Stop 16
Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants had electronically filed a Supplemental Information Disclosure Statement and erroneously paid a processing fee in the amount of \$180 fee on July 30, 2008 which was charged to our Deposit Account No. 23-1925. Enclosed herewith is a copy of our Transmittal, Supplemental Information Disclosure Statement as well as the Electronic Acknowledgment Receipt generated by the PTO.

The processing fee was paid (under 37 CFR 1.17 (p)) in error because the submitted documents were first cited in a German Office Action on June 11, 2008. As such, these references were first cited in a communication from the German Patent Office in connection with this counterpart application NOT more than 3 months before the filing of our Supplemental Information Disclosure Statement on July 30, 2008. Therefore, a processing fee was not due in connection with this filing.

Applicant respectfully request \$180.00 be credited to Deposit Account No. 23-1925. Also attached is a copy of the Electronic Acknowledgement Receipt issued on July 30, 2008 that evidences payment of the \$180.00 processing fee to Deposit Account No. 23-1925.

Respectfully submitted,

/John R. Lagowski/

John R. Lagowski, Reg. No. 41, 922

August 14, 2008

Date

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Examiner: RODRIGUEZ,
LENNIN R.

TRANSMITTAL

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached are:

- ☒ a Supplemental Information Disclosure Statement (two sheets) along with a copy of required references; and
- ☒ Form PTO-1449 (one sheet).

Fee calculation:

- ☐ No additional fee is required.
- ☒ A petition or processing fee in an amount of \$180.00 under 37 CFR § 1.17(P).
- ☐ An additional filing fee has been calculated as shown below:

				Small Entity			Not a Small Entity		
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	\$
Indep.		Minus		0	x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+ \$360=	
Total					\$			Total	

Fee payment:

- ☒ Please charge Deposit Account No. 23-1925 in the amount of \$180.00.
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

July 30, 2008
Date

/John R. Lagowski/
John R. Lagowski (Reg. No. 41,922)
Attorney for Applicants

CERTIFICATE OF EFS FILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office, Commissioner for Patents, via the EFS pursuant to 37 CFR §1.8 on the below date:

Date: July 30, 2008 Name: John R. Lagowski, Reg. No. 41,922 Signature: /John R. Lagowski/

Atty. Docket No.: MP0983 (13036-24)

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In re Application of:

J. BLEDSOE ET AL.

Serial No.: 10/821,821

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For: TWO-DIMENSIONAL CMOS SENSOR
ARRAY TO IMAGE DOCUMENTS AND
OTHER FLAT OBJECTS

Confirmation no. 1393

Group Art Unit: 2625

Examiner: RODRIGUEZ,
LENNIN R.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop: AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

In accordance with the duty of disclosure under 37 CFR §1.56 and §§1.97-1.98, and more particularly in accordance with 37 CFR §1.97(c), Applicant hereby cites the following reference(s):

U.S. Patent Documents			
Document No.	Date	Name	Corresponds To
5,734,178	03-31-1998	Sekine	
6,394,349	05-28-2002	Shigekusa et al.	
US 20003/0001076	01-02-2003	Brandenberger et al.	
6,639,697	10-28-2003	Geer	DE 100 65 359
7,333,250	02-19-2008	Spears et al.	DE 103 00 689

Foreign Patent Documents		
Document No.	Date	Country
JP-6-14154	01-21-1994	JAPAN

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.
	Translation of an Office Action in the German Patent Office, dated Jun 11, 2008 for corresponding German Application No. 10 2005 004 393.3

Applicant is enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 CFR §1.98(a)(2). Pursuant to the undersigned attorney's obligation and duties under 37 C.F.R. §§ 1.56 and 1.98(a)(3) and (c), either English language abstracts, partial translations, or full translations are included for patent documents which are not in English for the express purpose of providing a concise explanation of the references to the Patent and Trademark Office with the opportunity to evaluate the same. Applicant respectfully requests the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 CFR §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 CFR §1.56(a).

Applicant has calculated a processing fee in the amount of \$180.00 to be due under 37 CFR §1.17(p) in connection with the filing of this Information Disclosure Statement. Applicant has enclosed a check covering this fee, or authorized charging the fee to a deposit account or credit card, as indicated in the Transmittal accompanying this Information Disclosure Statement.

Respectfully submitted,

July 30, 2008
Date

/John R. Lagowski/
John R. Lagowski, (Reg. No. 41,922)

FORM PTO-1449	SERIAL NO. 10/821,821	CASE NO. MP0983 (13036-24)
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE April 8, 2004	GROUP ART UNIT 2625
(use several sheets if necessary)	APPLICANT(S): J. Bledsoe et al.	

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	B1	5,734,178	03-31-1998	Sekine		
	B2	6,394,349	05-28-2002	Shigekusa et al.		
	B3	US 2003/0001076	01-02-2003	Brandenberger et al.		
	B4	6,639,697 corresponds to DE 100 65 359	10-28-2003	Geer		
	B5	7,333,250 corresponds to DE 103 00 689	2-19-2008	Spears et al.		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	B6	JP-6-14154	01-21-1994	JAPAN		ABSTRACT ONLY

EXAMINER INITIAL	OTHER ART - NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)</small>	
	B7	Translation of an Office Action in the German Patent Office, dated Jun 11, 2008 for corresponding German Application No. 10 2005 004 393.3

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**TRANSLATION OF
OFFICIAL COMMUNICATION**

Issued: June 11, 2008
Application No.: 10 2005 004 393.3
Applicant: AVAGO TECHNOLOGIES IMAGING IP (SINGAPORE) PTE. LTD.
Response due by: October 26, 2008
Our ref.: P45361TE914hsr
Date: July 7, 2008

The following documents are cited in this Official Communication for the first time. (If they are numbered, their numbers will apply throughout the procedure):

- 1) DE 100 65 359 A1
- 2) DE 103 00 689 A1
- 3) US 2003/0001076 A1
- 4) US 5 734 178 A
- 5) US 6 394 349 B1
- 6) JP-6-14154 A

The examination procedure is conducted on the basis of patent claims 1 to 18 of the filing date.

On pages 1 and 2 of the description the applicant specifically refers to a prior art without indicating any printed literature thereof. The applicant is herewith asked to remedy this deficiency immediately in case the application is continued.

The examiner found publications (1) to (6).

Re: patent claim 1

The subject matter of the present patent claim 1 is without any features revealing unusual

prior art to a person having ordinary skill in the field of scanners.

For instance, the introduction to the specification (column 1, from line 8) of publication (1), which primarily deals with a slide scan top, refers to a flatbed scanner that comprises the following features:

a housing, which can definitely be assumed to be present;

a transparent platen 14 atop the housing for receiving an object to be scanned;

a carriage (= scanner carriage 56) operable to travel along a direction (see column 6, line 7 et seq.), the carriage comprising the following features:

a light source 34 for illuminating the object (see column 6, lines 30-46); and

a rectangular photodetector array (see column 1, line 46 et seq.; field or array of individual cells or pixels) for simultaneously detecting light intensity of multiple scan lines, the rectangular photodetector array as a field or array certainly comprising several rows of photodetectors.

The use of more than three rows of photodetectors for the array, as mentioned in the present patent claim 1, is left to the discretion of the skilled person and is as un inventive as the feature according to which the carriage is also able to move in a second direction. Reference should here be made by way of example to publication (2); see the title, the abstract and paragraphs [3], [20]-[25].

Hence, the subject matter of patent claim 1 is obvious to a skilled person from the prior art and is not based on an inventive step.

Patent claim 1 is thus not allowable.

Re: patent claim 7

The subject matter of the present patent claim 7 is also not based on any inventive step, for the skilled person in charge is certainly aware that he should perform the scanning operation by way of a motor-type shifting of the document or, alternatively, of the scan carriage with the imaging device. Only as evidence of these basic and exchangeable procedures, reference is made to publication (3) including its paragraph [2], which by the way refers to photodetectors with at least one row of photodetector elements [8].

Publication (4), for instance, shows the standard known principle of enhancing resolution with area-like photodetectors. The corresponding procedure is as follows:

- capturing a first image of an object 3 with a rectangular photodetector array 1, the

rectangular photodetector array evidently comprising more than three rows of photodetectors (Fig. 4);

- moving the document in relation to the rectangular photodetector array in a first small increment along a first direction (Fig. 4B) and a second small increment along a second direction (Fig. 4D), the first increment (Px' or dx) being less than a first spacing ($Px=3Px'$) between adjacent photodetectors on the photodetector array along the first direction, and the second increment being less than a second spacing between adjacent photodetectors on the photodetector array along the second direction ($Py=2Py'$); and
- capturing a second image of the object; see also abstract, column 1, from line 4, column 3, from line 1, and particularly column 4, from line 1.

In publication (4) the document is moved accordingly. Instead of this, moving the carriage with the image pick-up underneath the transparent platen with the object in a corresponding way, which is standard in flatbed scanners and thus mentioned in publications (1) to (3), cannot constitute an invention, as already pointed out, but is left to the selective discretion of the skilled person.

Hence, the subject matter of patent claim 7 is obvious to a skilled person from the prior art and is not based on an inventive step.

Patent claim 7 is thus not allowable.

Re: patent claim 13

In contrast to patent claim 1, the subject matter of patent claim 13 refers to a sheet feed scanner. It is self-evident that this prior art, which is also standard, requires feed rollers for moving a document in a first direction. In the possible and known combination of this sheet supply with a flatbed scanner (see publication (3) with paragraph [2]), the carriage is bound to move with the photodetector array in a second direction if the properties of the image pick-up require such a movement. When a detector element is used with more than three rows, multiple scan lines are automatically detected (see publication (3), also paragraph [12]), publication (1), column 1, from line 19, publication (2), paragraphs [3]-[5]). Hence, such an implementation of a sheet feed scanner is already obvious from the prior art to the skilled person with his experience and skill by exploring a few simple ideas and does not require any inventive step.

Hence, patent claim 13 cannot be allowed.

Re: patent claim 18

Finally, the subject matter of the present patent claim 18 also shares the fate of the other independent main claims. For instance, publication (4) shows in detail

- in Fig. 5 in combination with the features of a standard flatbed scanner to be implied, which are always present to the skilled person, for instance features such as a housing, a transparent platen atop the housing for receiving an object to be scanned, and a light source for illuminating the object -

optics 2 for directing light reflecting off the entire object 3 to a rectangular photodetector array 1A, which simultaneously serves to detect a light intensity of the entire object, wherein the rectangular photodetector array as an area sensor is bound to comprise more than three rows of photodetectors for achieving the stated object (see column 1, lines 4-19, and the further remarks on the size of the CCD sensor). If, as described, an A4 size as the manuscript document is to be fully imaged for scanning on the sensor, the necessary light source, of course, must also illuminate the entire object.

Hence, the subject matter of patent claim 18 is obvious to a skilled person from the prior art and cannot be regarded as being based on an inventive step. Patent claim 18 is not allowable.

Hence, all of the independent patent claims are not allowable.

Furthermore, it should be noted that they jeopardize the unity of the application at the moment because they do not outline any independent achievement of a joint object, but basically refer to different subject matters, namely a flatbed scanner with a two-dimensionally driven carriage, a method for enhancing the resolution, a sheet feed scanner with a one-dimensionally moved carriage, and a flatbed scanner with simultaneous detection of the entire object.

Since the base claims are not allowable, all of the sub-claims must also be deleted.

In the light of the prior art of record, patent claims 2 and 14, 3, 5, respectively, and 16, 8-12, respectively, do not reveal any patentable surplus extending beyond the skill and knowledge of the skilled person. Apart from the already cited passages, reference is made by way of example to column 1, lines 36-45 in publication (1) and paragraph [28] in (2). As for patent claims 4, 6 and 15, 17, respectively, with the surrounding LEDs, the examiner cites Figs. 5 and 6 in publication (5) and publication (6), which in addition provides a joint carrier for the LEDs and the image sensor.

The continuation of the examination procedure would require a main claim with a subject matter that would have to be distinguished in a novel and inventive way over the prior art and that would have to extend beyond routine knowledge and skill.

As a precaution, reference is made to § 15 paragraph 3, PatV [German Patent Application Ordinance].

At any rate the present patent claims do not reveal anything that would contain a patentable invention.

The examiner has commented on all of the independent claims. Therefore, if the applicant wishes to maintain one of said claims, which will be assumed unless a clear declaration is made to the contrary, the application would have to be rejected immediately because of this deficiency alone.

As for the documents on file, the grant of a patent is ruled out.

Examiner for Class H04N

F. Streicher

Enclosures: six copied publications

Electronic Acknowledgement Receipt

EFS ID:	3698976
Application Number:	10821821
International Application Number:	
Confirmation Number:	1393
Title of Invention:	Two-dimensional CMOS sensor array to image documents and other flat objects
First Named Inventor/Applicant Name:	J. Daren Bledsoe
Customer Number:	60537
Filer:	John Lagowski/Olivia Lopez
Filer Authorized By:	John Lagowski
Attorney Docket Number:	MP0983 (13036/24)
Receipt Date:	30-JUL-2008
Filing Date:	08-APR-2004
Time Stamp:	12:51:31
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 180
RAM confirmation Number	7245
Deposit Account	231925
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1		13036-24INFORMATIONDISCLOSURESTATEMENT.pdf	781332 e85c74bedf146954b4d01ee330298524ba150d4	yes	14
Multipart Description/PDF files in .zip description					
	Document Description		Start		End
	Miscellaneous Incoming Letter		1		1
	Information Disclosure Statement Letter		2		3
	Information Disclosure Statement (IDS) Filed		4		4
	Foreign Reference		5		9
	NPL Documents		10		14
Warnings:					
Information:					
2	Fee Worksheet (PTO-06)	fee-info.pdf	8198 c398cc251bb42f988f5a24262d177c2822885e47235	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			789530		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.